

ASSEMBLY BILL NO. 99—ASSEMBLYWOMAN WEBER

FEBRUARY 13, 2007

Referred to Committee on Judiciary

**SUMMARY**—Makes various changes concerning genetic marker testing of certain persons. (BDR 14-288)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to genetic marker testing; imposing an administrative assessment upon a defendant convicted of any crime; expanding the crimes for which a convicted person must submit a biological specimen for genetic marker testing to include all felonies; requiring a child who is adjudicated delinquent for committing a felonious act to submit a biological specimen for genetic marker testing; providing a penalty; making appropriations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 2** of this bill imposes a \$1 administrative assessment on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 3** of this bill provides that the money collected from the assessment will be used to defray the costs associated with genetic marker testing and must be distributed to certain law enforcement agencies on a quarterly basis.

**Sections 18 and 19** of this bill appropriate money from the State General Fund to the Las Vegas Metropolitan Police Department Forensic Laboratory and the Washoe County Sheriff's Office Crime Laboratory to pay for costs associated with genetic marker testing.

**Section 7** of this bill identifies CODIS, the Combined DNA Index System operated by the Federal Bureau of Investigation, as the database for genetic profiles in this State. (NRS 176.0911) **Section 4** of this bill provides that the detention, arrest, conviction or adjudication of a person which is based on information obtained from the CODIS database is not invalidated if it is subsequently



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determined that the information was obtained or placed in the database by mistake or in error.

**Section 8** of this bill expands the list of crimes for which a convicted person must submit a biological specimen for genetic marker testing to include all crimes and makes it a category C felony to fail to provide a biological specimen for the database when required to do so. (NRS 176.0913)

**Section 13** of this bill requires a court to order a child to provide a biological specimen for genetic marker testing if the child is adjudicated delinquent for a crime which would be a felony if committed by an adult. **Section 13** also requires the court to order the parent or guardian of the child to pay a \$150 fee, to the extent of his ability, for obtaining the specimen and conducting the analysis. **Section 15** of this bill provides that information relating to the biological specimen of a child who is adjudicated delinquent is not subject to certain provisions pertaining to the confidentiality of juvenile records. (NRS 62H.110)

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty of or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of \$1 as an administrative assessment for the provision of genetic marker testing and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.*

*2. The money collected for an administrative assessment for the provision of genetic marker testing must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be dispersed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible,*



1 *the defendant is not entitled to a refund of the fine or*  
2 *administrative assessment he has paid and the justice or judge*  
3 *shall not recalculate the administrative assessment.*

4 *3. If the justice or judge permits the fine and administrative*  
5 *assessment for the provision of genetic marker testing to be paid in*  
6 *installments, the payments must be applied in the following order:*

7 *(a) To pay the unpaid balance of an administrative assessment*  
8 *imposed pursuant to NRS 176.059;*

9 *(b) To pay the unpaid balance of an administrative assessment*  
10 *for the provision of court facilities pursuant to NRS 176.0611;*

11 *(c) To pay the unpaid balance of an administrative assessment*  
12 *for the provision of specialty court programs pursuant to*  
13 *NRS 176.0613;*

14 *(d) To pay the unpaid balance of an administrative assessment*  
15 *for the provision of genetic marker testing pursuant to this*  
16 *section; and*

17 *(e) To pay the fine.*

18 *4. The money collected for an administrative assessment for*  
19 *the provision of genetic marker testing must be paid by the clerk of*  
20 *the court to the State Treasurer on or before the fifth day of each*  
21 *month for the preceding month for credit to the Fund for Genetic*  
22 *Marker Testing created by section 3 of this act.*

23 **Sec. 3.** *1. The Fund for Genetic Marker Testing is hereby*  
24 *created in the State General Fund.*

25 *2. The Fund is a continuing fund without reversion. Money*  
26 *in the Fund must be invested as the money in other funds is*  
27 *invested. The interest and income earned on the money in the*  
28 *Fund, after deducting any applicable charges, must be credited to*  
29 *the Fund.*

30 *3. Money in the Fund must be used to defray the costs*  
31 *associated with genetic marker testing and must be distributed*  
32 *quarterly to the following entities:*

33 *(a) Fifty-five percent to the forensic laboratory of each local*  
34 *law enforcement agency which performs genetic marker testing*  
35 *and which is located in a county whose population is 400,000 or*  
36 *more. The money must be used by the laboratory to carry out its*  
37 *duties relating to genetic marker testing.*

38 *(b) Thirty-five percent to the forensic laboratory of each local*  
39 *law enforcement agency which performs genetic marker testing*  
40 *and which is located in a county whose population is 100,000 or*  
41 *more but less than 400,000. The money must be used by the*  
42 *laboratory to carry out its duties relating to genetic marker testing.*

43 *(c) Five percent to the Division to carry out its duties relating*  
44 *to genetic marker testing.*



1       (d) *Five percent to the Department of Corrections to carry out*  
2 *its duties relating to genetic marker testing.*

3       **Sec. 4.** *The detention, arrest, conviction or adjudication of a*  
4 *person based on a genetic sample obtained from the CODIS*  
5 *database is not invalidated if it is subsequently determined that the*  
6 *sample was obtained or placed in the database by mistake or in*  
7 *error.*

8       **Sec. 5.** NRS 176.0611 is hereby amended to read as follows:

9       176.0611 1. A county or a city, upon recommendation of the  
10 appropriate court, may, by ordinance, authorize the justices or  
11 judges of the justice or municipal courts within its jurisdiction to  
12 impose for not longer than 50 years, in addition to the administrative  
13 assessments imposed pursuant to NRS 176.059 and 176.0613, *and*  
14 *section 2 of this act*, an administrative assessment for the provision  
15 of court facilities.

16       2. Except as otherwise provided in subsection 3, in any  
17 jurisdiction in which an administrative assessment for the provision  
18 of court facilities has been authorized, when a defendant pleads  
19 guilty or is found guilty of a misdemeanor, including the violation  
20 of any municipal ordinance, the justice or judge shall include in the  
21 sentence the sum of \$10 as an administrative assessment for  
22 the provision of court facilities and render a judgment against the  
23 defendant for the assessment. If the justice or judge sentences the  
24 defendant to perform community service in lieu of a fine, the justice  
25 or judge shall include in the sentence the administrative assessment  
26 required pursuant to this subsection.

27       3. The provisions of subsection 2 do not apply to:

28       (a) An ordinance regulating metered parking; or

29       (b) An ordinance that is specifically designated as imposing a  
30 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

31       4. The money collected for an administrative assessment for  
32 the provision of court facilities must not be deducted from the fine  
33 imposed by the justice or judge but must be taxed against the  
34 defendant in addition to the fine. The money collected for such an  
35 administrative assessment must be stated separately on the court's  
36 docket and must be included in the amount posted for bail. If bail is  
37 forfeited, the administrative assessment included in the amount  
38 posted for bail pursuant to this subsection must be disbursed in the  
39 manner set forth in subsection 6 or 7. If the defendant is found not  
40 guilty or the charges are dismissed, the money deposited with the  
41 court must be returned to the defendant. If the justice or judge  
42 cancels a fine because the fine has been determined to be  
43 uncollectible, any balance of the fine and the administrative  
44 assessment remaining unpaid shall be deemed to be uncollectible  
45 and the defendant is not required to pay it. If a fine is determined to



1 be uncollectible, the defendant is not entitled to a refund of the fine  
2 or administrative assessment he has paid and the justice or judge  
3 shall not recalculate the administrative assessment.

4 5. If the justice or judge permits the fine and administrative  
5 assessment for the provision of court facilities to be paid in  
6 installments, the payments must be applied in the following order:

7 (a) To pay the unpaid balance of an administrative assessment  
8 imposed pursuant to NRS 176.059;

9 (b) To pay the unpaid balance of an administrative assessment  
10 for the provision of court facilities pursuant to this section;

11 (c) To pay the unpaid balance of an administrative assessment  
12 for the provision of specialty court programs pursuant to NRS  
13 176.0613; ~~and~~

14 (d) *To pay the unpaid balance of an administrative assessment*  
15 *for the provision of genetic marker testing pursuant to section 2 of*  
16 *this act; and*

17 (e) To pay the fine.

18 6. The money collected for administrative assessments for the  
19 provision of court facilities in municipal courts must be paid by the  
20 clerk of the court to the city treasurer on or before the fifth day of  
21 each month for the preceding month. The city treasurer shall deposit  
22 the money received in a special revenue fund. The city may use the  
23 money in the special revenue fund only to:

24 (a) Acquire land on which to construct additional facilities for  
25 the municipal courts or a regional justice center that includes the  
26 municipal courts.

27 (b) Construct or acquire additional facilities for the municipal  
28 courts or a regional justice center that includes the municipal courts.

29 (c) Renovate or remodel existing facilities for the municipal  
30 courts.

31 (d) Acquire furniture, fixtures and equipment necessitated by the  
32 construction or acquisition of additional facilities or the renovation  
33 of an existing facility for the municipal courts or a regional justice  
34 center that includes the municipal courts. This paragraph does not  
35 authorize the expenditure of money from the fund for furniture,  
36 fixtures or equipment for judicial chambers.

37 (e) Acquire advanced technology for use in the additional or  
38 renovated facilities.

39 (f) Pay debt service on any bonds issued pursuant to subsection  
40 3 of NRS 350.020 for the acquisition of land or facilities or the  
41 construction or renovation of facilities for the municipal courts or a  
42 regional justice center that includes the municipal courts.

43 ➤ Any money remaining in the special revenue fund after 5 fiscal  
44 years must be deposited in the municipal general fund for the  
45 continued maintenance of court facilities if it has not been



1 committed for expenditure pursuant to a plan for the construction or  
2 acquisition of court facilities or improvements to court facilities.  
3 The city treasurer shall provide, upon request by a municipal court,  
4 monthly reports of the revenue credited to and expenditures made  
5 from the special revenue fund.

6 7. The money collected for administrative assessments for the  
7 provision of court facilities in justice courts must be paid by the  
8 clerk of the court to the county treasurer on or before the fifth day of  
9 each month for the preceding month. The county treasurer shall  
10 deposit the money received to a special revenue fund. The county  
11 may use the money in the special revenue fund only to:

12 (a) Acquire land on which to construct additional facilities for  
13 the justice courts or a regional justice center that includes the justice  
14 courts.

15 (b) Construct or acquire additional facilities for the justice  
16 courts or a regional justice center that includes the justice courts.

17 (c) Renovate or remodel existing facilities for the justice courts.

18 (d) Acquire furniture, fixtures and equipment necessitated by the  
19 construction or acquisition of additional facilities or the renovation  
20 of an existing facility for the justice courts or a regional justice  
21 center that includes the justice courts. This paragraph does not  
22 authorize the expenditure of money from the fund for furniture,  
23 fixtures or equipment for judicial chambers.

24 (e) Acquire advanced technology for use in the additional or  
25 renovated facilities.

26 (f) Pay debt service on any bonds issued pursuant to subsection  
27 3 of NRS 350.020 for the acquisition of land or facilities or the  
28 construction or renovation of facilities for the justice courts or a  
29 regional justice center that includes the justice courts.

30 ➤ Any money remaining in the special revenue fund after 5 fiscal  
31 years must be deposited in the county general fund for the continued  
32 maintenance of court facilities if it has not been committed for  
33 expenditure pursuant to a plan for the construction or acquisition of  
34 court facilities or improvements to court facilities. The county  
35 treasurer shall provide, upon request by a justice court, monthly  
36 reports of the revenue credited to and expenditures made from the  
37 special revenue fund.

38 8. If money collected pursuant to this section is to be used to  
39 acquire land on which to construct a regional justice center, to  
40 construct a regional justice center or to pay debt service on bonds  
41 issued for these purposes, the county and the participating cities  
42 shall, by interlocal agreement, determine such issues as the size of  
43 the regional justice center, the manner in which the center will be  
44 used and the apportionment of fiscal responsibility for the center.



**Sec. 6.** NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, *and section 2 of this act*, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;



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(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs *pursuant to this section*; ~~and~~

(d) *To pay the unpaid balance of an administrative assessment for the provision of genetic marker testing pursuant to section 2 of this act; and*

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:





(a) "Office of Court Administrator" means the Office of Court Administrator created ~~pursuant to~~ by NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

**Sec. 7.** NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, *and sections 3 and 4 of this act*, unless the context otherwise requires, "CODIS" means the Combined DNA ~~Indexing~~ *Index* System operated by the Federal Bureau of Investigation ~~that~~ *serves as the database and repository for genetic markers obtained pursuant to NRS 176.0911 to 176.0917, inclusive, and sections 3 and 4 of this act.*

**Sec. 8.** NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:



(a) A ~~category A felony;~~  
~~—(b) A category B felony;~~  
~~—(c) A category C felony involving the use or threatened use of~~  
~~force or violence against the victim;~~  
~~—(d) A crime against a child as defined in NRS 179D.210;~~  
~~—(e) A sexual offense as defined in NRS 179D.410;~~  
~~—(f) Abuse or neglect of an older person or a vulnerable person~~  
~~pursuant to NRS 200.5099;~~  
~~—(g) A second or subsequent offense for stalking pursuant to~~  
~~NRS 200.575;~~  
~~—(h) An attempt or conspiracy to commit an offense listed in~~  
~~paragraphs (a) to (g), inclusive;~~  
~~—(i)]~~ *felony in this State; or*

(b) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing ~~[an offense listed in paragraph (a), (b), (c), (f), (g) or (h);]~~ *a felony;* or

(2) Convicted in another jurisdiction of committing an offense that would constitute ~~[an offense listed in paragraph (a), (b), (c), (f), (g) or (h) if committed in this State;~~

~~—(j) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.240; or~~

~~—(k) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.]~~ *a felony in this State.*

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen for conviction of a prior offense unless the court determines that an additional sample is necessary.

*6. Any person who willfully and knowingly fails to provide a biological specimen for genetic marker testing pursuant to this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

**Sec. 9.** NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If the court orders that a biological specimen be obtained from a defendant pursuant to NRS 176.0913, the court, in addition to any other penalty, shall order the defendant, to the extent of his financial ability, to pay the sum of \$150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;



(b) Must be collected from the defendant before or at the same time that any fine imposed by the court is collected from the defendant; and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 *and all money that is collected from the parent or guardian of a child pursuant to section 13 of this act* must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a defendant pursuant to NRS 176.0913 ~~§~~ *or from a child pursuant to section 13 of this act.*

5. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to:

(a) Maintain and purchase equipment and supplies relating to genetic marker testing, including, but not limited to, equipment and supplies required by the Federal Bureau of Investigation for participation in CODIS; and

(b) Pay for the training and continuing education, including, but not limited to, the reasonable travel expenses, of employees of the forensic laboratory who conduct or oversee genetic marker testing.

**Sec. 10.** NRS 176.0916 is hereby amended to read as follows:

176.0916 1. If the Division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, the Division shall arrange for a biological specimen to be obtained from the probationer or parolee.

2. After a biological specimen is obtained from a probationer or parolee pursuant to this section, the Division shall:

(a) Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or



1 parolee is residing to conduct or oversee genetic marker testing for  
2 the county pursuant to NRS 176.0917; and

3 (b) Submit the name, social security number, date of birth and  
4 any other information identifying the probationer or parolee to the  
5 Central Repository for Nevada Records of Criminal History.

6 3. A probationer or parolee, to the extent of his financial  
7 ability, shall pay the sum of \$150 to the Division as a fee for  
8 obtaining the biological specimen and for conducting the analysis to  
9 determine the genetic markers of the biological specimen. Except as  
10 otherwise provided in subsection 4, the fee required pursuant to this  
11 subsection must be collected from a probationer or parolee at the  
12 time the biological specimen is obtained from the probationer or  
13 parolee.

14 4. A probationer or parolee may arrange to make monthly  
15 payments of the fee required pursuant to subsection 3. If such  
16 arrangements are made, the Division shall provide a probationer or  
17 parolee with a monthly statement that specifies the date on which  
18 the next payment is due.

19 5. Any unpaid balance for a fee required pursuant to subsection  
20 3 is a charge against the Division.

21 6. The Division shall deposit money that is collected pursuant  
22 to this section in the Fund for Genetic Marker Testing ~~[which is~~  
23 ~~hereby created in the State General Fund. The money deposited in~~  
24 ~~the Fund for Genetic Marker Testing must be used to pay for the~~  
25 ~~actual amount charged to the Division for obtaining biological~~  
26 ~~specimens from probationers and parolees, and for conducting an~~  
27 ~~analysis to determine the genetic markers of the specimens.]~~ *created*  
28 *by section 3 of this act.*

29 **Sec. 11.** NRS 176.0917 is hereby amended to read as follows:

30 176.0917 1. The board of county commissioners of each  
31 county shall designate a forensic laboratory to conduct or oversee  
32 for the county any genetic marker testing that is ordered or arranged  
33 pursuant to NRS 176.0913 or 176.0916 ~~or~~ *or section 13 of this act.*

34 2. The forensic laboratory designated by the board of county  
35 commissioners pursuant to subsection 1:

36 (a) Must be operated by this State or one of its political  
37 subdivisions; and

38 (b) Must satisfy or exceed the standards for quality assurance  
39 that are established by the Federal Bureau of Investigation for  
40 participation in CODIS.

41 **Sec. 12.** NRS 179.225 is hereby amended to read as follows:

42 179.225 1. If the punishment of the crime is the confinement  
43 of the criminal in prison, the expenses must be paid from money  
44 appropriated to the Office of the Attorney General for that purpose,  
45 upon approval by the State Board of Examiners. After the



1 appropriation is exhausted, the expenses must be paid from the  
2 Reserve for Statutory Contingency Account upon approval by the  
3 State Board of Examiners. In all other cases, they must be paid out  
4 of the county treasury in the county wherein the crime is alleged to  
5 have been committed. The expenses are:

6 (a) If the prisoner is returned to this State from another state, the  
7 fees paid to the officers of the state on whose governor the  
8 requisition is made;

9 (b) If the prisoner is returned to this State from a foreign country  
10 or jurisdiction, the fees paid to the officers and agents of this State  
11 or the United States; or

12 (c) If the prisoner is temporarily returned for prosecution to this  
13 State from another state pursuant to this chapter or chapter 178 of  
14 NRS and is then returned to the sending state upon completion of  
15 the prosecution, the fees paid to the officers and agents of this State,  
16 ➤ and the necessary traveling expenses and subsistence allowances  
17 in the amounts authorized by NRS 281.160 incurred in returning the  
18 prisoner.

19 2. If a person is returned to this State pursuant to this chapter or  
20 chapter 178 of NRS and is convicted of, or pleads guilty or nolo  
21 contendere to the criminal charge for which he was returned or a  
22 lesser criminal charge, the court shall conduct an investigation of the  
23 financial status of the person to determine his ability to make  
24 restitution. In conducting the investigation, the court shall determine  
25 if the person is able to pay any existing obligations for:

26 (a) Child support;

27 (b) Restitution to victims of crimes; and

28 (c) Any administrative assessment required to be paid pursuant  
29 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 **and**  
30 **section 2 of this act.**

31 3. If the court determines that the person is financially able to  
32 pay the obligations described in subsection 2, it shall, in addition to  
33 any other sentence it may impose, order the person to make  
34 restitution for the expenses incurred by the Attorney General or  
35 other governmental entity in returning him to this State. The court  
36 shall not order the person to make restitution if payment of  
37 restitution will prevent him from paying any existing obligations  
38 described in subsection 2. Any amount of restitution remaining  
39 unpaid constitutes a civil liability arising upon the date of the  
40 completion of his sentence.

41 4. The Attorney General may adopt regulations to carry out the  
42 provisions of this section.



1     **Sec. 13.** Chapter 62E of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     1. *Except as otherwise provided in subsection 4, if a child is*  
4 *adjudicated delinquent for committing an unlawful act that would*  
5 *be a felony if committed by an adult, the court shall order the local*  
6 *juvenile probation department to obtain from the child a biological*  
7 *specimen to be used for an analysis to determine the genetic*  
8 *markers of the specimen.*

9     2. *The local juvenile probation department shall provide the*  
10 *biological specimen to the forensic laboratory designated by the*  
11 *county in which the child was adjudicated delinquent to conduct*  
12 *genetic marker testing on the biological specimen.*

13     3. *The court shall order the parent or guardian of the child,*  
14 *to the extent of his financial ability, to pay the sum of \$150 as a*  
15 *fee for obtaining the specimen and for conducting an analysis to*  
16 *determine the genetic markers of the specimen.*

17     4. *A court shall not order a biological specimen to be*  
18 *obtained from a child who has previously submitted such a*  
19 *specimen unless the court determines that an additional sample is*  
20 *necessary.*

21     **Sec. 14.** NRS 62E.500 is hereby amended to read as follows:

22     62E.500 1. The provisions of NRS 62E.500 to 62E.730,  
23 inclusive ~~[-],~~ *and section 13 of this act:*

24     (a) Apply to the disposition of a case involving a child who is  
25 adjudicated delinquent.

26     (b) Except as otherwise provided in NRS 62E.700, do not apply  
27 to the disposition of a case involving a child who is found to have  
28 committed a minor traffic offense.

29     2. If a child is adjudicated delinquent:

30     (a) The juvenile court may issue any orders or take any actions  
31 set forth in NRS 62E.500 to 62E.730, inclusive, *and section 13 of*  
32 *this act* that the juvenile court deems proper for the disposition of  
33 the case; and

34     (b) If required by a specific statute, the juvenile court shall issue  
35 the appropriate orders or take the appropriate actions set forth in the  
36 statute.

37     **Sec. 15.** NRS 62H.110 is hereby amended to read as follows:

38     62H.110 The provisions of NRS 62H.100 to 62H.170,  
39 inclusive, do not apply to:

40     1. Information maintained in the standardized system  
41 established pursuant to NRS 62H.200;

42     2. Information that must be collected by the Division of Child  
43 and Family Services pursuant to NRS 62H.220;



3. *Information relating to a biological specimen that must be collected by a local juvenile probation department pursuant to section 13 of this act;*

4. Records that are subject to the provisions of NRS 62F.260; or

~~[4.]~~ 5. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

**Sec. 16.** NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if he has been released, the date of his release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or his spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.





6. The payment, pursuant to a judicial order, of existing obligations for:

- (a) Child support or alimony;
- (b) Restitution to victims of crimes; and
- (c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, *and section 2 of this act*,

➔ has priority over the payment of a judgment entered pursuant to this section.

**Sec. 17.** NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 *and section 2 of this act*.

**Sec. 18.** 1. There is hereby appropriated from the State General Fund to the Las Vegas Metropolitan Police Department Forensic Laboratory for conducting and overseeing genetic marker testing for the county, maintaining and purchasing equipment and supplies relating to genetic marker testing and paying for the salaries, travel expenses, training and continuing education of employees of the laboratory that conducts and oversees genetic testing:

For the Fiscal Year 2007-2008..... \$600,000

For the Fiscal Year 2008-2009..... \$600,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.

**Sec. 19.** 1. There is hereby appropriated from the State General Fund to the Forensic Science Division of the Washoe County Sheriff's Office Crime Laboratory for conducting and overseeing genetic marker testing for the county, maintaining and purchasing equipment and supplies relating to genetic marker testing and paying for the salaries, travel expenses, training and continuing education of employees of the laboratory that conducts and oversees genetic testing:

For the Fiscal Year 2007-2008..... \$400,000

For the Fiscal Year 2008-2009..... \$400,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2009, and must be reverted to the State General Fund on or before September 18, 2009.





- 1     **Sec. 20.** 1. This section and sections 4, 7, 8, 9, 11, 13, 14,  
2 15, 18 and 19 of this act become effective on July 1, 2007.  
3     2. Sections 1, 2, 3, 5, 6, 10, 12, 16 and 17 of this act become  
4 effective on July 1, 2008.

